

## Mid Sussex District Council

# Prioritisation approach to SANG capacity for the strategic SANG at Hill Place Farm

1<sup>st</sup> September 2022<sup>1</sup>

Please refer to the Mid Sussex District Council website for the latest information and guidance:  
<https://www.midsussex.gov.uk/planning-building/protecting-ashdown-forest/>

### **Introduction**

1. To meet the requirements of the Habitats Regulations and in accordance with District Plan Policy DP17 and the strategic solution for recreational pressure on Ashdown Forest, new residential development leading to a net increase in units within 7km of the Ashdown Forest Special Protection Area (SPA) is required to mitigate its potential impacts through:
  - 1) The provision of Suitable Alternative Natural Greenspace (SANG) to the minimum level of 8Ha per 1,000 net increase in population; or a financial contribution to a strategic SANG; and
  - 2) A financial contribution to the Ashdown Forest Strategic Access Management and Monitoring (SAMM) Strategy.
2. District Plan Policy DP17 also sets out that development proposed adjacent or close to the boundary of the 7km zone of influence may require mitigation for the Ashdown Forest SPA. Such proposals for development will be dealt with on a case-by-case basis and assessed through a site-specific Habitats Regulations Assessment at the application stage.
3. The responsibility to address the potential impact of the proposed development on the Ashdown Forest SPA lies with the developer and there is no legal obligation for Mid Sussex District Council (the "Council") to provide SANG mitigation. However, one of the strategic objectives of the District Plan is to provide the amount and type of housing that meets the needs of all sectors of the community in Mid Sussex District and so the Council has sought to provide strategic SANG mitigation to support this objective.
4. The Council has provided access to strategic SANG at East Court & Ashplats Wood<sup>2</sup> in East Grinstead since 2015, however, there is no further capacity at this SANG for it to provide mitigation for future residential development. The Council is introducing a new strategic SANG at Hill Place Farm in East Grinstead to provide further capacity for future residential development.
5. The new SANG at Hill Place Farm has been delivered and is now ready for use. The legal certainty of the new strategic SANG now exists which enables the granting of planning permission for new residential development and to assign it capacity at the Hill Place Farm SANG. If a strategic SANG

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<sup>1</sup> The prioritisation of SANG capacity and other guidance in this document will be applied with immediate effect to planning applications, prior approvals, prior approvals granted but yet to submit an application under Regulation 77 of the Habitats Regulations, and appeals validated on or after the 1<sup>st</sup> April 2022.

<sup>2</sup> <https://www.midsussex.gov.uk/leisure-sport/parks/east-court-ashplats-wood/>

provides mitigation for your development, you are advised that the development cannot be occupied until the SANG is operational. If a strategic SANG is not yet operational, a Grampian-style condition will be placed on the planning permission or a requirement included within a Section 106 planning obligation preventing occupancy of the development until the strategic SANG is operational and this will be enforceable by the Council.

6. It should be noted that the SANG contribution required may differ between strategic SANGs. This is because the SANG contribution is calculated from the in perpetuity management and maintenance costs of the individual SANG. The Council, as the competent authority, will determine which SANG best provides mitigation for the proposed development through the Habitats Regulations Assessment. This will be dependent on, inter alia, the available SANG capacity and the size and location of the proposed development.
7. The Council has taken steps to ensure that SANG capacity is available for new residential development in Mid Sussex District within the 7km zone of influence and will continue to seek opportunities for new strategic SANG. However, because SANG capacity is limited, it is important and necessary to ensure that current SANG capacity is made available to those developments that best deliver the spatial strategy set out in the Mid Sussex District Plan and that will result in the delivery of housing. Therefore, the Council has approved SANG capacity prioritisation for access to Council owned and/or managed SANGs which sets out how the remaining SANG capacity will be assigned and the types of development that will be prioritised.
8. It is intended that the capacity prioritisation set out below will apply to the Hill Place Farm SANG, although the Council reserves the right to amend and update the capacity prioritisation. For instance, the capacity prioritisation may need to be updated as other SANGs (strategic or otherwise) become available. Any amendments and updates to the capacity prioritisation in this document will be made as a Cabinet Member decision.
9. The Council reserves the right not to provide strategic SANG capacity if the proposed development is considered to undermine the Council's overall approach to the delivery of new housing or if it would prevent plan-led development from being implemented.
10. The approach to prioritisation of SANG capacity at the Hill Place Farm SANG has been through due democratic process. Natural England has confirmed that SANG mitigation should be secured for relevant development, but the allocation of SANG capacity to developments and the SANG tariffs are matters for the Council as the competent authority to decide upon.

## **Prioritisation approach to SANG capacity for the Hill Place Farm SANG**

11. The available SANG capacity for the Hill Place Farm SANG is set out in Figure 1.

Development at Hill Place Farm allocated SANG capacity	200 dwellings
Capacity for other development in the 7km zone of influence	554 dwellings
<b>Total capacity of the Hill Place Farm SANG</b>	<b>754 dwellings</b>

Figure 1 - Capacity at the Hill Place Farm SANG.

12. In line with government guidance in the National Planning Policy Framework, the approach towards the prioritisation of SANG capacity will support a planning system that is truly plan-led. Therefore, to ensure the delivery of the development plan for Mid Sussex, SANG capacity for relevant residential allocations identified in the adopted development plan including the Site Allocations DPD will be reserved for a set period.

13. SANG capacity at the Hill Place Farm SANG is prioritised for development in Mid Sussex District in the following order:

- i) The Site Allocations DPD allocations
- ii) Neighbourhood plan allocations
- iii) Windfall development in Mid Sussex District including prior approvals and applications made under Regulation 77 of the Habitats Regulations, and Local Plan 2004 allocations and Small Scale Housing Allocations DPD 2008 allocations
- iv) Appeals for sites in Mid Sussex District

14. More detail is set out below including the general principles for allocating SANG capacity.

### **i) Site Allocations DPD**

15. Capacity at the Hill Place Farm SANG has been reserved for the following allocations in the Site Allocations DPD for three years until the 1<sup>st</sup> September 2025 as shown in Figure 2.

<b>Policy</b>	<b>Site</b>	<b>Dwellings</b>
SA18	Former East Grinstead Police Station, College Lane, East Grinstead	22
SA19	Land south of Crawley Down Road, Felbridge	200
SA22	Land north of Burleigh Lane, Crawley Down	50
SA25	Land west of Selsfield Road, Ardingly	35
SA26	Land south of Hammerwood Road, Ashurst Wood	12
SA28	Land south of The Old Police House, Birchgrove Road, Horsted Keynes	25
SA32	Withypitts Farm, Selsfield Road, Turners Hill	16
<b>Total reserved SANG capacity</b>		<b>360</b>

Figure 2 - Reserved SANG capacity for allocations within the Site Allocations DPD.

16. A planning application will need to be received and validated within this three-year period in order for the reserved SANG capacity to be retained. Should a planning application not be received and validated within this three-year period, the SANG capacity previously reserved will be returned to the pool of available SANG capacity. Planning applications for Site Allocations DPD allocations received and validated after this three-year period will then be assigned SANG capacity based on the remaining SANG capacity at the time of a planning application being validated.
17. Figure 3 sets out the allocations in the Site Allocations DPD that do not have SANG capacity reserved at the Hill Place Farm SANG and the reasons for this.

Policy	Site	Dwellings
SA20	Land south and west of Imberhorne Upper School, East Grinstead <i>Reason – The site allocation includes the provision of a strategic SANG which will mitigate the impact of this allocation.</i>	550
SA29	Land south of St. Stephen’s Church, Hamsland, Horsted Keynes <i>Reason – There is a current planning application (DM/20/4692) for 30 dwellings which have been assigned SANG capacity at the East Court &amp; Ashplats Wood SANG.</i>	30
<b>Total dwellings</b>		<b>580</b>
<b>Total reserved SANG capacity at the Hill Place Farm SANG</b>		<b>0</b>

Figure 3 - Allocations within the Site Allocations DPD that do not have SANG capacity reserved at the Hill Place Farm SANG.

## ii) Neighbourhood plans

18. Capacity at the Hill Place Farm SANG has been reserved for relevant allocations within neighbourhood plans, as shown in Figure 4, for one year until the 1<sup>st</sup> September 2023. Given these sites have already been allocated for a number of years and there have already been opportunities for these allocations to be progressed, this approach is considered reasonable.

Policy	Site	Dwellings
EG6B	Imberhorne Lane car park, Imberhorne Lane, East Grinstead	18
EG6B	67-69 Railway Approach, East Grinstead	7
EG6B	East Grinstead Delivery Office, 76 London Road, East Grinstead	12
THP2	Old Vicarage Field/ Old Estate Yard, Church Road, Turners Hill	44
WHP8a: WHCS_05	Land north of Top Road, Sharpthorne	24
WHP8b: WHCS_06	Land adjacent to Cookhams, south of Top Road, Sharpthorne	16
<b>Total reserved SANG capacity</b>		<b>121</b>

Figure 4 - Reserved SANG capacity for allocations within neighbourhood plans.

19. A planning application will need to be received and validated within this one-year period in order for the reserved SANG capacity to be retained. Should a planning application not be received and

validated within this one-year period, the SANG capacity previously reserved will be returned to the pool of available SANG capacity. Planning applications for neighbourhood plan allocations received and validated after this one-year period will then be assigned SANG capacity based on the remaining SANG capacity at the time of a planning application being validated.

20. Figure 5 sets out the allocations in the neighbourhood plans that do not have SANG capacity reserved at the Hill Place Farm SANG and the reasons for this.

Policy	Site	Dwellings
ASW10	LIC, Wealden House, Lewes Road, Ashurst Wood <i>Reason – There is a current planning application (DM/21/3501) for 43 dwellings which have been assigned SANG capacity at the East Court &amp; Ashplats Wood SANG.</i>	43
EG6B	Imberhorne Lower School, Windmill Lane, East Grinstead <i>Reason – The delivery of this allocation is linked to the delivery of allocation Policy SA20: Land south and west of Imberhorne Upper School, East Grinstead</i>	200
<b>Total dwellings</b>		<b>243</b>
<b>Total reserved SANG capacity at the Hill Place Farm SANG</b>		<b>0</b>

Figure 5 - Allocations within neighbourhood plans that do not have SANG capacity reserved at the Hill Place Farm SANG.

### iii) Windfall development

21. For windfall development, the general principle will be that the remaining capacity at a SANG will be assigned to development in the order that applications were validated. This includes planning applications and in the case of prior approvals, it will be the validation date for the Regulation 77 application under the Habitats Regulations that applies and not the initial application for prior approval.
22. No SANG capacity has been reserved for the remaining allocations yet to be implemented included within the Local Plan 2004 and the Small Scale Housing Allocations DPD 2008 (Figure 6). This is because the outstanding allocations are not proposed to be saved in the review of the current District Plan 2014-2031 (adopted in 2018) – the emerging District Plan 2021-2038. Should a planning application be received for one of these allocations, SANG capacity will be assigned based on the remaining SANG capacity at the time of a planning application being validated.

Policy	Site	Dwellings
EG5	Tennis and Squash Club, Ship Street, East Grinstead <i>Reason – The site allocation is not proposed to be saved in the emerging District Plan Review 2021-2038.</i>	40
EG8	Stonequarry Woods, East Grinstead <i>Reason – There is a current planning application (DM/21/1842) for 30 dwellings which have been assigned SANG capacity at the East Court &amp; Ashplats Wood SANG.</i>	30

SSHA/2	Land at the junction of Windmill Lane and London Road <i>Reason – The site allocation is not proposed to be saved in the emerging District Plan Review 2021-2038.</i>	35
<b>Total dwellings</b>		<b>105</b>
<b>Total reserved SANG capacity at the Hill Place Farm SANG</b>		<b>0</b>

Figure 6 - Allocations within the Local Plan 2004 and Small Scale Housing Allocations DPD 2008 that do not have SANG capacity reserved at the Hill Place Farm SANG.

#### iv) Appeals

23. Should a planning application or Regulation 77 application under the Habitats Regulations be refused by the local planning authority, then the SANG capacity that was assigned to the development will be returned to the pool of available SANG capacity. A Section 106 planning agreement or Unilateral Undertaking will not be progressed or accepted during determination of a planning application or Regulation 77 application if the application is likely to be refused. SANG capacity will not automatically be reserved for applications that are refused but could be appealed; if it is available, SANG capacity will be assigned again when notification of an appeal is received from the Planning Inspectorate based on the position at that time. If an appeal is dismissed by the Planning Inspectorate, then the SANG capacity that was assigned to the development during the appeal process will be returned to the pool of available SANG capacity.

#### General principles

24. SANG capacity is assigned to development with a valid planning application or Regulation 77 application and pending determination; this helps with monitoring the pipeline of proposed development and the remaining capacity. SANG capacity will not be assigned at the pre-application advice stage or the prior approval application stage. SANG capacity is formally allocated to development that has been granted planning permission or approved under Regulation 77 in the case of prior approvals, and has a signed Section 106 planning obligation to secure and fund the SANG mitigation. The Council actively monitors both the pipeline of proposed development and the development that has formally been allocated SANG capacity.
25. Where a proposal has been assigned SANG capacity and the application is granted planning permission or approved under Regulation 77 and a Section 106 planning obligation is signed, the strategic SANG allocation will extend to the lifetime of the planning permission.
26. If a planning permission or Regulation 77 approval in the case of prior approvals lapses without being implemented, the SANG allocation will be returned to the pool of available SANG capacity. Any SANG contribution already received will be returned to the applicant<sup>3</sup>. The SANG capacity will not automatically be reserved for any subsequent application to renew an unimplemented planning permission and the assigning of SANG capacity for that subsequent application will be based on the SANG capacity position at the time.

<sup>3</sup> Any SANG contribution already received to be returned to the applicant will exclude the monitoring fee, legal costs paid and any interest accrued.

27. Should any permissions lapse which have been allocated capacity at the now full East Court & Ashplats Wood SANG and so capacity is released, the newly available SANG capacity will be offered to current applications pending determination in the order that applications were validated subject to the proposed development not exceeding the capacity newly available. The Council will notify relevant applicants if this situation arises.
28. In the situation where there is an extant planning permission for a proposed development which has already been allocated capacity at the East Court & Ashplats Wood SANG and another planning application is submitted for the same number of dwellings as the extant permission or for a lower number of dwellings, but only one application could be implemented, the proposed development in the new planning application will be allocated capacity at the East Court & Ashplats Wood SANG should it be granted planning permission. This is because the new planning permission will supersede the extant planning permission and there are no increased demands on the capacity at the East Court & Ashplats Wood SANG since only one permission can be implemented and the number of dwellings is the same or lower.
29. The Council will notify applicants if there is not sufficient strategic SANG capacity available for their proposed development and will set out the next steps.
30. The Mid Sussex District Council website will also be kept updated with the latest position on available strategic SANG capacity.

### Summary of SANG capacity for the Hill Place Farm SANG

31. Figure 7 shows the Hill Place Farm SANG capacity position as at the 1<sup>st</sup> April 2022.

Development at Hill Place Farm allocated SANG capacity	200 dwellings
i) Reserved capacity – Site Allocations DPD (see Figure 2)	360 dwellings
ii) Reserved capacity – Neighbourhood plans (see Figure 4)	121 dwellings
Total allocated or reserved SANG capacity	681 dwellings
Remaining capacity available for iii) windfall development including prior approvals and applications made under Regulation 77 of the Habitats Regulations, and iv) appeals	<b>73 dwellings</b> <i>(Total SANG capacity (754 dwellings) – Total allocated or reserved capacity (681 dwellings) = Remaining capacity = 73 dwellings)</i>

Figure 7 - SANG capacity prioritisation at the Hill Place Farm SANG.

32. The latest position on SANG mitigation will be available on the Mid Sussex District Council website at: <https://www.midsussex.gov.uk/planning-building/protecting-ashdown-forest/>.